



**Howard Friedman**  
*General Counsel*

**Joseph A. Baranello**  
*Chief Privacy Officer,  
Records Access Officer &  
Executive Agency Counsel*

**Office of Legal Services**  
NYC Dept. of Education  
52 Chambers Street  
Room 308  
New York, NY 10007  
**1.212.374.6888** tel.  
**1.212.374.5596** fax

**Carlyne Turner-Beverly**  
*FOIL Unit Managing Attorney &  
Central Records Access Officer*

June 18, 2019

**VIA EMAIL**

Hugo Smith  
MuckRock  
[38194-09407720@requests.muckrock.com](mailto:38194-09407720@requests.muckrock.com)

**RE: #F13,390**

Ref.: Contracts- internet service providers

Dear Mr. Smith:

This letter is in partial response to the above-captioned Freedom of Information Law (FOIL) request.

A diligent search for records has been conducted; responsive records have been located. Enclosed, please find records that are partially responsive to your request. However, your access is denied to records and portions of records that are responsive to your request for the following reasons:

Public Officers Law § 87(2)(g) permits an agency to deny access to records or portions thereof that are inter-agency or intra-agency materials which are not statistical or factual tabulations or data, instructions to staff that affect the public, final agency policy or determinations, or certain external audits. Consequently (and in order to protect the deliberative process) access is denied to records and portions thereof constituting ideas, impressions opinions, suggestions, recommendations, non-final evaluations and other non-objective, pre-decisional information not containing or constituting statistical or factual tabulations or data, instructions to staff that affect the public, or final agency policy or determinations.

Please be advised that, pursuant to Section VI.C of New York City Department of Education (DOE) Chancellor's Regulation D-110(CR D-110), revisions to which were adopted on November 28, 2017, additional time is needed to fully process your request. Factors to be considered under CR D-110 in determining whether there exist circumstances necessitating more time to respond to a request may include, but are not limited to, “[1] the volume of a request, [2] the ease or difficulty in locating, retrieving or generating records, [3] the complexity of the request, [4] the need to review records to determine the extent to which they must be disclosed, [and 5] the number of requests received by the agency.”<sup>1</sup>

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<sup>1</sup> 21 NYCRR § 1401.5(d); Chancellor's Regulation D-110 VI.C.



In the instant case, Factors 1, 3, and 4 continue to be applicable, the extent to which was not previously foreseen. Additional time is required to complete review of the potentially responsive records, and to ensure that records and portions thereof that are exempt from disclosure under various subsections of the Public Officers Law have been withheld. In particular, the DOE requires additional time to determine if any records or portions thereof fall within the ambit of POL §87(2)(d), which provides that an agency may deny access to records or portions thereof that “are trade secrets or are submitted to an agency by a commercial enterprise and which if disclosed cause substantial injury to the competitive position of the subject enterprise.”

Given the efforts being made to respond to your request, a response is expected by August 28, 2019.

Any person denied access to a record may appeal the decision in writing within thirty days. Please note, however, that this is a partial response to your request. Your time to file an administrative appeal will not begin until the final production of responsive records. At that time, you will be given the contact information of this agency’s Records Appeals Officer, to whom you may direct an administrative appeal if you wish to make one.

Sincerely,

*Carlyne Turner-Beverly* /s/

Carlyne Turner-Beverly  
[FOIL@schools.nyc.gov](mailto:FOIL@schools.nyc.gov)

CTB/jm